

C O N F I D E N T I A L

V O L U M E 1

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

(Northern Division)

IN THE MATTER OF *

THE COMPLAINT OF *

ETERNITY SHIPPING, LTD. AND * Civil Action No.

EUROCARRIERS, S.A. * L01CV0250

FOR EXONERATION FROM OR *

LIMITATION OF LIABILITY *

ORIGINAL

CONFIDENTIAL

Deposition of KEVIN HISLOP

Baltimore, Maryland

Monday, August 9, 2004

10:06 a.m.

Job No.: 1-39302

Pages: 1 - 238

Reported By: Dawn M. Hart, Notary Public, RPR/RMR

EXHIBIT

A

CONFIDENTIAL DEPOSITION OF KEVIN HISLOP - VOLUME 1
CONDUCTED ON MONDAY, AUGUST 9, 2004

229

1 Q (Nods head.)

2 A Any determination -- only from the sketches
3 and the photographs that depicted the two, the two
4 hatches.

5 Q Well, obviously they were close enough that
6 if the ship's crane had fallen --

7 A The ship's crane fallen.

8 Q -- it would have fallen and in fact did fall
9 on the gantry crane, correct?

10 A That's correct. Correct, yes.

11 Q I assume you agree with Opinion No. 7; is
12 that right?

13 A Yes, in part. At the time of -- yes, in
14 part. At the time of an annual survey the -- it --
15 the surveyor is looking for the proper maintenance
16 program to ensure that when he attests to the
17 satisfaction of those cranes on that particular day,
18 that he is attesting to the condition of the cranes
19 for that until the next annual survey on the
20 assumption that the shipowner will be diligent in
21 maintaining that maintenance program.

22 Q So it's the shipowner's responsibility to

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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF MARYLAND
 3 (NORTHERN DIVISION)
 4 IN THE MATTER OF THE :
 5 COMPLAINT OF ETERNITY :
 6 SHIPPING, LTD., AND : CIVIL ACTION
 7 EUROCARRIERS, S.A. FOR : NO. L-01-CV-0250
 8 EXONERATION FROM OR :
 9 LIMITATION OF LIABILITY : Pages 1 - 177
 10 -----
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 13
 14 Videotaped deposition of Robert Cantey
 15 Baltimore, Maryland
 16 Tuesday, September 17, 2002
 17
 18
 19
 20
 21 Reported by: Kathleen R. Turk, RPR-RMR

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 5 September 17, 2002
 6 1:13 p.m.
 7
 8 Videotaped deposition of Robert Cantey held at the
 9 offices of:
 10
 11
 12 Domino Sugar Plant Administration Building
 13 1100 Key Highway East
 14 Baltimore, MD 21230-5123
 15
 16
 17
 18 Pursuant to notice, before Kathleen R. Turk, RPR-RMR,
 19 a Notary Public of the State of Maryland.
 20
 21

Page 3

1 APPEARANCES:
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 17
 18
 19
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1 (Pages 1 to 4)

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1 a basket?
2 A On that particular ship?
3 Q On, on that ship or, or any ship.
4 A Oh, yes, I have.
5 Q How -- is it a common occurrence? Is it
6 uncommon?
7 A That has happen many times, you know, the
8 guy chipping, but like I say, you know, they're not
9 supposed to be hanging their boom over our head.
10 Q While --
11 A But they --
12 Q -- you and other men are --
13 A While's we are working.
14 Q All right. Can you recall approximately how
15 long the ship's crewmen were working chipping before
16 the incident happened?
17 A Oh, I can't -- I don't know exactly how
18 long. I don't know how long, but they was chipping.
19 I don't know exactly how long.
20 Q Okay. What first drew your attention that
21 something unusual was happening and that -- and that

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1 to go on the outside so we can take the, you know, to
2 hook the dozers up. The guys hook the dozer up in the
3 hold, I go on the outside and I unhook them.
4 So I just had come up, and we have, still
5 have a little more sugar to take out, so I'm leaning
6 up, you know, by the hatch, waiting for them to finish
7 the little bit was in there, and then I would go on
8 the outside.
9 But in the meantime, when I came up, while
10 I'm standing there, the guys start hollering in the --
11 hollering.
12 Q The -- the guys in the hold were hollering?
13 A The guys started hollering in the hold, and
14 by the time I could look up, the only thing I could
15 have seen, that boom coming down across that crane,
16 and that's what brought that crane down, brought that
17 crane boom down.
18 Q Brought the shoreside crane down?
19 A Brought the sugarhouse crane down.
20 Q Right, okay.
21 A Because the boom went straight across it

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1 there was an accident?
2 A The guys started hollering. The guys in the
3 hold started hollering.
4 When they start hollering, I looked up. And
5 when I looked up, I seen the crane is coming down.
6 Q Okay. Now --
7 A The boom on the -- the boom on the crane is
8 coming down, and the ship boom is bringing it down,
9 coming across it, bringing it down.
10 Q And -- and I don't think I've asked you, but
11 where were you at the time this occurred?
12 A I was right on the side of the, the, the
13 hatch.
14 I was already come up out of the hold, and
15 I'm standing on, I'm standing on deck now.
16 Q You had just recently come out of the hold?
17 A I just had come up because I came out of the
18 hold to take the, you know, so I could have take the
19 dozer out.
20 See, whenever the dozers is -- whenever a
21 hatch is almost finished, then I comes up, you know,

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1 like that (indicating).
2 Q Did you notice -- before you saw that, the
3 booms of the two cranes coming down, did you -- had
4 you heard any noises from the ship's crane that would
5 indicate there was a problem?
6 A I haven't heard no noise. I haven't paid no
7 attention to that, to no noise on the crane.
8 And I wasn't paying no attention to no
9 noise, you know, on the crane because like I said, I
10 don't know, I don't drive no cranes, so I, you know, I
11 wouldn't have paid too much attention to, you know,
12 noise coming out of the crane. So I don't know what
13 happened --
14 Q All right.
15 A -- to the crane.
16 Q So you described how the ship's crane, the
17 boom on that, came down on the -- I think you called
18 it the sugarhouse crane.
19 A Umh-humh.
20 Q Just please tell us, then, what, what
21 happened next, what you saw.

Pages 21 to 24)

7 (Pages 25 to 28)